

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
JUN 13 2006
EUGENE R. WEDOFF
BANKRUPTCY JUDGE

In re:

DEBBIE ALVAREZ,

Debtor.

Case No. 04 B 23334

Chapter 7

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER AWARDING TO
MAXWELL & POTTS, LLC, ATTORNEYS FOR CHAPTER 7 TRUSTEE, FOR ALLOWANCE AND
PAYMENT OF FINAL COMPENSATION AND REIMBURSEMENT OF EXPENSES**

TOTAL FEES REQUESTED:	\$16,104.50	TOTAL COSTS REQUESTED:	\$133.43
TOTAL FEES REDUCED:	\$ 400.00	TOTAL COSTS REDUCED:	\$ 8.50
TOTAL FEES ALLOWED:	\$15,704.50	TOTAL COSTS ALLOWED:	\$124.93

TOTAL FEES AND COSTS ALLOWED: \$15,829.43

THE COURT HAS IDENTIFIED THE ATTACHED TIME AND EXPENSE ENTRIES THAT HAVE BEEN DISALLOWED IN WHOLE OR IN PART. THE NUMERICAL NOTATION THAT APPEARS ON THE SIDE OF EACH HIGHLIGHTED ENTRY DISCLOSES THE BASIS FOR EACH DISALLOWANCE. THE NUMERICAL NOTATIONS REFER TO THE ENUMERATED PARAGRAPHS BELOW.

(1) Unreasonable Time

The Court denies the allowance in part of compensation for the following task since the professional or paraprofessional expended an unreasonable amount of time on this task in light of the nature of the task, the

(2) Reimbursement Limited to Actual, Necessary Expenses

The Court denies the allowance of reimbursement for expenses that were not actually and necessarily incurred by the applicant. See 11 U.S.C. §§330(a)(1)(B) & 331. The fee application fails to demonstrate that the requested expenses for photocopies or facsimiles (or both) were actual out-of-pocket disbursements and that the quoted rates were necessary in light of prevailing (and lower) commercial rates. In the absence of such proof, the Court will allow reimbursement of photocopy expenses at a rate of \$.10 per page in accordance with prevailing commercial rates and will not allow expenses for facsimiles.

Dated: June 13, 2006


Eugene R. Wedoff
United States Bankruptcy Court

4/6/2006
4:44 PM

Maxwell & Potts, LLC
Time Detail

Page 1

Nickname Alvarez, D. | 04-101-037
Full Name Debbie Alvarez
In Ref To
Last bill
Last charge 5/20/2006
Last payment

Amount \$0.00

Date ID	Attorney Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
<u>Nickname 1: ASSIST CREDITORS/CLAIMS OBJECTIONS</u>					
1/4/2006 98765	JHS review claims for payment Reference: ASSIST CREDITORS/CLAIMS OBJECTIONS	150.00	0.30	45.00	Billable
1/5/2006 98776	JHS review filed claims and back-up information Reference: ASSIST CREDITORS/CLAIMS OBJECTIONS	150.00	0.40	60.00	Billable
1/5/2006 98777	JHS conference w/ LAK regarding filed claims and back-up information and t/c to W. Covert regarding possible reaffirmed debts Reference: ASSIST CREDITORS/CLAIMS OBJECTIONS	150.00	0.30	45.00	Billable
Total: ASSIST CREDITORS/CLAIMS OBJECTIONS			1.00		\$150.00
<u>Nickname 1: EMPLOYMENT & PAYMENT OF PROFESSIONALS</u>					
10/11/2004 82934	AJM-04 revise application to employ attorneys, declaration, draft order, notice Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	350.00	0.50	175.00	Billable
10/11/2004 82929	LAK prepare application to employ attorneys, notice, draft order, then revise same Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	100.00	1.90	190.00	Billable
10/19/2004 82940	SSP-04 appear in court application to employ attorneys Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	300.00	0.50	150.00	Billable
11/14/2005 100175	SF revise time details in preparation for final fee applications Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	50.00	1.00	50.00	Billable

①

4/6/2006
4:44 PM

Maxwell & Potts, LLC
Time Detail

Page 2

Alvarez, D.:Debbie Alvarez (continued)

Date ID	Attorney Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total Billable
11/14/2005 96415	AJM-05 revise time details Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	375.00	0.80	300.00	Billable
1/6/2006 100241	LAK-2006 begin preparation of attorney for Trustee final fee application Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	125.00	1.00	125.00	Billable
1/10/2006 100243	LAK-2006 work on revisions to fee application Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	125.00	0.40	50.00	Billable
1/13/2006 100821	AJM-2006 revise time details to comply with court's requirements (.4); revise draft attorney fee application (.7) Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	400.00	1.10	440.00	Billable
1/19/2006 100180	LAK-2006 revise fee application Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	125.00	0.50	62.50	Billable
1/20/2006 100181	LAK-2006 revise fee application and time details Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	125.00	0.90	112.50	Billable
4/6/2006 101671	LAK-2006 revise time details and final fee application for final atty fees Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	125.00	1.00	125.00	Billable
5/20/2006 101675	AJM-2006 appear in court for hearing on administrative fee allowances (est) Reference: EMPLOYMENT & PAYMENT OF PROFESSIONALS	400.00	0.80	320.00	Billable
Total: EMPLOYMENT & PAYMENT OF PROFESSIONALS			10.40	\$2,100.00	
Nickname 1: GENERAL					
10/11/2004 82935	AJM-04 revise request to debtor's attorney for documents and information, review my prior memo re same	350.00	0.40	140.00	Billable

4/6/2006
4:44 PM

Maxwell & Potts, LLC
Time Detail

Page 20

Alvarez, D.:Debbie Alvarez (continued)

Date ID	Attorney Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
<u>Nickname 1: SALES OR RENTAL OF REAL ESTATE</u>					
10/11/2004	LAK 82927 prepare Trustee claim to be recorded against streamwood real estate Reference: SALES OR RENTAL OF REAL ESTATE	100.00	0.30	30.00	Billable
10/19/2004	VC 82938 recorded notice of claim of Trustee against RE at Recorder of deeds Reference: SALES OR RENTAL OF REAL ESTATE	50.00	0.80	40.00	Billable
10/19/2004	SSP-05 82939 review online RE transactions re ownership of Streamwood RE Reference: SALES OR RENTAL OF REAL ESTATE	340.00	0.20	68.00	Billable
Total: SALES OR RENTAL OF REAL ESTATE			1.30		\$138.00
TOTAL			97.50		\$16,104.50
			0.80	\$70.00	

Date ID	Attorney Expense	Price Markup %	Quantity	Amount	Total
<u>Nickname 1: none</u>					
8/25/2004	AJM Office 79209 \$fax(es) to K. Johnson	0.25	1.000	0.25	Billable
10/6/2004	AJM Office 80319 \$fax(es) to K. Johnson, Esq.	0.25	1.000	0.25	Billable
10/12/2004	AJM Office 80138 \$postage 39 Trustee application	0.60	2.000	1.20	Billable
10/12/2004	AJM Office 80269 \$Photocopies.10 Trustee application	0.10	33.000	3.30	Billable
10/12/2004	AJM Office 80321 \$fax(es) to Johnson	0.25	1.000	0.25	Billable

4/6/2006
4:44 PM

Maxwell & Potts, LLC
Time Detail

Page 22

Alvarez, D.:Debbie Alvarez (continued)

Date ID	Attorney Expense	Price Markup %	Quantity	Amount	Total
2 2/16/2005	AJM Office 85037 \$fax(es) from M. Hall	0.25	1.000	0.25	Billable
2 3/28/2005	AJM Office 86740 \$fax(es) from B. Prell	0.25	4.000	1.00	Billable
2 4/13/2005	AJM Office 87348 \$fax(es) from B. McTigue	0.25	2.000	0.50	Billable
2 5/6/2005	AJM Office 88474 \$fax(es) to D. Kenney	0.25	1.000	0.25	Billable
2 5/6/2005	AJM Office 88475 \$fax(es) to Johnson	0.25	2.000	0.50	Billable
	5/6/2005 AJM Office 89765 \$Photocopies.10 letter to debtor's counsel	0.10	6.000	0.60	Billable
	5/6/2005 AJM Office 89871 \$postage 39 letter	0.37	1.000	0.37	Billable
2 5/19/2005	AJM Office 90064 \$fax(es) from Wesley	0.25	2.000	0.50	Billable
2 7/1/2005	AJM Office 91359 \$fax(es) to W. Covert	0.25	1.000	0.25	Billable
	7/25/2005 AJM Office 91592 \$postage 39 Adversary Summons	0.37	1.000	0.37	Billable
	7/25/2005 AJM Office 91953 \$Photocopies.10 Adversary Summons	0.10	2.000	0.20	Billable
2 8/31/2005	AJM Office 92450 \$fax(es) from Wes Covert/ValueNet	0.25	5.000	1.25	Billable

4/6/2006
4:44 PM

Maxwell & Potts, LLC
Time Detail

Page 23

Alvarez, D.:Debbie Alvarez (continued)

Date ID	Attorney Expense	Price Markup %	Quantity	Amount	Total
8/31/2005	AJM Office	0.10	5.000	0.50	Billable
92475	\$Photocopies.10 Appraisal				
9/6/2005	AJM Office	0.25	2.000	0.50	Billable
92729	\$fax(es) to Wes Covert				
9/6/2005	AJM Office	0.10	2.000	0.20	Billable
93511	\$Photocopies.10 Letter to Wesley Covert				
9/7/2005	AJM Office	0.25	2.000	0.50	Billable
93622	\$fax(es) from Wes Covert				
9/12/2005	AJM Office	0.60	8.000	4.80	Billable
93611	\$postage 39 Motion to Approve Settlement				
9/12/2005	AJM Office	0.10	63.000	6.30	Billable
93512	\$Photocopies.10 Trustee's Motion to Approve Settlement				
9/14/2005	AJM Office	0.37	8.000	2.96	Billable
93613	\$postage 39 Amended Notice of Motion to Approve Settlement				
9/14/2005	AJM Office	0.10	16.000	1.60	Billable
93513	\$Photocopies.10 Amended Notice of Motion				
9/27/2005	AJM Office	0.25	3.000	0.75	Billable
94511	\$fax(es) to Wes Covert				
9/27/2005	AJM Office	0.10	4.000	0.40	Billable
95218	\$Photocopies.10 Order/letter				
1/4/2006	AJM Office	0.25	3.000	0.75	Billable
98798	\$fax(es) to Alan Sanchez				
1/4/2006	AJM Office	0.10	4.000	0.40	Billable
98525	\$Photocopies.10 Letter to Sanchez				

4/6/2006
4:44 PM

Maxwell & Potts, LLC
Time Detail

Page 24

Alvarez, D.:Debbie Alvarez (continued)

Date ID	Attorney Expense	Price Markup %	Quantity	Amount	Total
1/9/2006	AJM Office	0.25	3.000	0.75	Billable
2 98827	\$fax(es) from Sanchez				
Total: none					\$133.43
TOTAL Billable Costs					\$133.43
Total of Fees (Time Charges)					\$16,104.50
Total of Costs (Expense Charges)					\$133.43
Total new charges					\$16,237.93
Total New Balance					\$16,237.93

Attorney Summary

Attorney	Rate	Hours	Charges	Slip Value	Adjustment
AJM	400.00	1.90	\$760.00	\$760.00	0.00
AJM	350.00	6.90	\$2,415.00	\$2,415.00	0.00
AJM05	375.00	9.30	\$3,487.50	\$3,487.50	0.00
DEB	275.00	0.40	\$110.00	\$110.00	0.00
JHS	150.00	43.10	\$6,465.00	\$6,465.00	0.00
JHS	100.00	6.50	\$650.00	\$650.00	0.00
JHS	0.00	0.30	\$0.00	\$0.00	0.00
LAK	125.00	3.80	\$475.00	\$475.00	0.00
LAK	100.00	2.90	\$290.00	\$290.00	0.00
LAK05	110.00	0.50	\$55.00	\$55.00	0.00
SF	50.00	19.00	\$950.00	\$950.00	0.00
SF	0.00	0.50	\$0.00	\$0.00	0.00
SSP	300.00	0.80	\$240.00	\$240.00	0.00
SSP05	340.00	0.30	\$102.00	\$102.00	0.00
TLC	50.00	0.80	\$40.00	\$40.00	0.00
VC	50.00	1.30	\$65.00	\$65.00	0.00